
Public Utilities Commission of the State of California

Results of Public Agenda 3107

Meeting Held on Thursday, February 13, 2003 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Friday, February 21, 2003 (San Francisco at 11:00 a.m.)	Thursday, February 27, 2003 (San Francisco)
Monday, March 10, 2003 (San Francisco)	Thursday, March 13, 2003 (San Francisco)
Friday, March 28, 2003 (San Francisco at 11:00 a.m.)	Thursday, April 03, 2003 (San Francisco)
Monday, April 14, 2003 (San Francisco)	Wednesday, April 16, 2003 (San Francisco)
Monday, May 05, 2003 (San Francisco)	Wednesday, May 07, 2003 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- | | |
|----------------------------|---|
| CA-1
1606 | Res TL-19021
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none) |
| CA-2
1607 | Res ALJ 176-3107
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none) |

**CA-3
1593****Res T-16694 - Citizens Telecommunications Company of California, Inc. (CTC-California).**

This resolution authorizes CTC-California to incorporate additional language for Credit Allowance for Interruptions in Service into its tariff. (Advice Letter (AL) 759, AL 759A and AL 759B, filed September 9, 2002, October 24, 2002, and November 1, 2002, respectively)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-4
1594****Res T-16695 - Citizens Telecommunications Company of Tuolumne (CTC-Tuolumne).**

This resolution authorizes CTC-Tuolumne to incorporate additional language for Credit Allowance for Interruptions in Service into its tariff. (Advice Letter (AL) 107, AL 107A and AL 107B, filed September 9, 2002, October 24, 2002, and November 1, 2002, respectively)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
1595****Res T-16705 - Pacific Bell Telephone Company (PacBell).**

This resolution authorizes PacBell to make End User Common Line (EUCL) charge offset adjustments to SuperTrunk service, but rejects PacBell's request to make EUCL charge offset adjustments to business single line, multi-line, and Private Branch Exchange (PBX) trunk services. This resolution rescinds the authority granted in Advice Letter (AL) No. 21111, revoking PacBell's authority to apply the EUCL charge offset to business individual line and business trunk line charges. (AL 23202 and AL 23202A, filed August 29, 2002 and September 18, 2002, respectively)

Outcome Held (2/27/03, Regular Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-6
1596****Res T-16696 - Citizens Telecommunications Company of the Golden State (CTC-Golden State).**

This resolution authorizes CTC-Golden State to incorporate additional language for Credit Allowance for Interruptions in Service into its tariff. (Advice Letter (AL) 111, AL 111A and AL 111B, filed September 9, 2002, October 24, 2002, and November 1, 2002, respectively)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-7
1637****Res E-3797 - American Telephone and Telegraph Company (AT&T).**

This resolution grants AT&T's request to deviate from Public Utilities Code Section 320 and authorizes AT&T to apply aerial strand to an existing pole line located along Highway 04-SON-116, Post Mile 21/22, from Ross Station Road to Green Valley Road, and along Appian Way and Cimarron Drive.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-8
1645****A01-01-049 - Pacific Gas and Electric Company (PG&E).**

A01-11-003, A01-12-046 - Related matters. The three applications are dismissed because the issues raised are being heard in Rulemaking 02-01-011. These proceedings are closed.

(Comr Peevey - ALJ Barnett)

Outcome Signed

[D03-02-005](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9
1649****A97-12-020 - Pacific Gas and Electric Company (PG&E).**

For authority among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. In connection with PG&E's test year 1999 general rate case (GRC), the Commission reviews an audit by the Office of Ratepayer Advocates (ORA) of PG&E's Systems Applications and Products in Data Processing business and accounting system (SAP System). Pursuant to agreements reached by PG&E and ORA following issuance of ORA's audit report, \$2 million is removed from PG&E's distribution rate base and \$1.5 million is removed from the expense-related distribution revenue requirement to correct the effects of overstated Materials and Supplies (M&S) inventory balances in 1997. Pursuant to an earlier Commission order establishing the effective date of the revenue requirements authorized in this GRC, the adopted adjustments are made effective as of January 1, 1999.

(Comr Wood - ALJ Wetzell)

Outcome Signed

[D03-02-006](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-10
1652**

A01-07-004 - Pacific Gas and Electric Company (PG&E).

For a permit to construct power lines and associated substation modifications to be known as the Atlantic-Del Mar Reinforcement Project. This decision grants the permit for the project described in the Final Mitigated Negative Declaration. This proceeding is closed.

(Comr Kennedy - ALJ Cooke)

Outcome Signed

[D03-02-007](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-11
1669**

Res T-16710 - SBC Pacific Bell Telephone Company (SBC).

This resolution approves SBC's request to grandfather 'The Economy Plan' and 'The Works' residence feature packages and bolt-on discounts. SBC will continue to offer the Plans to an existing customer of record at the existing premises until the customer either moves or changes service provider. This resolution is in accordance with the provisions of General Order 96-A.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-12
1689**

C01-10-012 - San Gabriel Transit, Inc., dba City Cab Company vs. Titan Capital Corp., dba Valley Cab & Valley Transportation Car & Limousine Service; East Valley Transportation, LLC; West Valley Transportation, LLC; Avetik Sarkissian; Brad Gunches; and DOES 1-25 inclusive.

This decision finds that there have been incidents in violation of defendants' charter-party carrier authority and orders that such practices cease. However, this decision also finds that the violations were infrequent or not consequential, and that complainant has failed to meet its burden of showing that defendants operate as "bandit taxis." Accordingly, while the Commission grants the complaint insofar as it asks a cease and desist order as to certain practices of defendants, this decision denies the complaint's request that defendants' charter-party carrier authority be revoked. The appeals of the defendants and complainant are denied. This proceeding is closed.

(Comr Brown - ALJ Walker)

Outcome Signed

[D03-02-008](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-13
1703****A02-03-034 - Rahim Faraji, dba Superfly Shuttle, and Abdolkarim Nouranian.**

This decision authorizes Rahim Faraji to transfer his passenger stage certificate to Abdolkarim Nouranian. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-009

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-14
1704****A02-06-025 - Ajmer Singh, dba Avon Airport Shuttle.**

This decision authorizes Ajmer Singh to extend his on-call passenger stage corporation between points in the Counties of Napa, San Mateo, Solano, and Marin, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-010

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-15
1705****Res T-16724 - Los Angeles Wireless, Inc., Network Plus, Inc., AWN Message Corporation, LDD, Inc., Easton Telecom, Inc., American Long Lines, Inc., Micro-Comm, Inc., HJN Telecom, Inc., Telecommunications Cooperative Network, Logix Communications Corporation, PF.Net Network Services Corp., Buckeye Telesystem, Clear-Path Telecom, Inc., and Easton Telecom, Inc. (Applicants).**

This resolution approves the voluntary revocation of the Certificates of Public Convenience and Necessity held by the Applicants.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- CA-16
1706** **Res T-16730 - Citizens Telecommunications Company of California, Inc. (CTC-California).**
This resolution approves an Interconnection Agreement between CTC-California and Level 3 Communications L.P., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 776, filed November 26, 2002)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-17
1707** **Res T-16731 - Citizens Telecommunications Co. of the Golden State (CTC-Golden State).**
This resolution approves a CMRS Interconnection Agreement between CTC-Golden State and Edge Wireless, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 123, filed November 26, 2002)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-18
1708** **Res T-16729 - Citizens Telecommunications Company of California, Inc. (CTC-California).**
This resolution approves a CMRS Interconnection Agreement between CTC-California and Pacific Bell Wireless, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 775, filed November 26, 2002)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-19
1709** **Res T-16732 - Pacific Bell Telephone Company (Pac Bell).**
This resolution approves a CMRS Interconnection Agreement between Pac Bell and Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23393, filed November 27, 2002)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**CA-20
1710****A02-10-013 - LT Ventures, Inc., dba Kids Kab, and LGM Group, Inc., dba Kids Kab.**

This decision authorizes LT Ventures, Inc. to transfer its on-call passenger stage corporation certificate authorizing the transportation of children between certain points in Santa Clara County to LGM Group, Inc. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-011

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-21
1711****A02-08-014 - Mohammad Sohail Azam, dba Baba Shuttle Company.**

This decision authorizes Mohammad Sohail Azam to operate as an on-call passenger stage corporation between points in the Counties of Alameda, Contra Costa, and San Francisco, on the one hand, San Jose International Airport, on the other hand. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-012

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-22
1712****A02-07-027 - Mohammad Shaheib Mojaddadi.**

This decision authorizes Mohammad Shaheib Mojaddadi to operate as an on-call passenger stage corporation between points in Alameda, Santa Clara, and San Mateo Counties, on the one hand, Oakland, San Francisco and San Jose International Airports, on the other hand. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-013

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-23
1713****A02-07-024 - Daniel O Mittow, dba Davis Airporter, and Davis Airporter, LLC**

This decision authorizes David O. Mittow and Jane Schafer-Mittow, to transfer their passenger stage certificate to Davis Airporter, LLC. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-014

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-24
1714****A02-07-048 - Mohamad B. Pakzadian, dba Airway One-Airport Shuttle.**

This decision authorizes Mohamad B. Pakzadian to operate an on-call passenger stage corporation between points in Orange County and John Wayne Airport and to establish a zone of rate freedom.

This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-015

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-25
1715****A02-09-014 - Fariborz and Nora Alishahi, dba Green Van Shuttle, and Arash Nouranian.**

This decision authorizes Fariborz and Nora Alishahi, to transfer their on-call passenger stage corporation certificate to Arash Nouranian. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-016

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-26 R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery
1716 mechanisms for generation procurement and renewable resource development.**

This decision awards an intervenor compensation to Aglet Consumer Alliance for substantial contributions to D02-09-053 and D02-10-062 in the amount of \$77,446.40.

(Comr Lynch - ALJ Walwyn)

Outcome Signed

[D03-02-017](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-27 A02-07-035 - City of Livermore.
1717**

This decision authorizes the City of Livermore to reconstruct a crossing at the existing separated grade for Greenville Road below the tracks of the Union Pacific Railroad Company in the City of Livermore, in Alameda County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D03-02-018](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-28 A02-06-048 - Harbor Bay Maritime, Inc. (Harbor Bay).
1718**

This decision authorizes Harbor Bay to permanently increase its fares to the same level currently in effect under a temporary fuel surcharge. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-019

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-29
1719**

A02-10-028 - Parviz Karmozd and Payma Management System LLC.

This decision authorizes Parviz Karmozd to transfer his passenger stage certificate to Payma Management System LLC. This proceeding is closed.

(Exam Clark)

Outcome Signed

D03-02-020

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-30
1727**

A02-09-039 - Hands On Sign Language Services, Inc. (Applicant).

For a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide facilities-based and resold local exchange and interexchange telecommunications services. Granted.

This proceeding is closed.

(Comr Peevey - ALJ Bemesderfer)

Outcome Signed

[D03-02-021](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-31
1732**

A02-09-009 - Southern California Edison Company (SCE).

This decision grants SCE authority to lease available land on the Etiwanda-Padua and Mira Loma-Padua Right of Way to Copart, Inc. under Pub. Util. Code Section 851.

(Comr Peevey - ALJ Bemesderfer)

Outcome Held (2/27/03, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-32
1743****A02-10-031 - PacifiCorp.**

This decision approves the transfer of water rights and assets associated with PacifiCorp's Naches hydroelectric facility to the United States Bureau of Reclamation pursuant to Public Utilities Code Section 851. This proceeding is closed.

(Comr Peevey - ALJ Long)

Outcome Signed

[D03-02-022](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-33
1744****A00-11-009 - Pacific Gas and Electric Company.**

For approval of Year 2001 Low Income Programs, in compliance with Ordering Paragraph 4 of D00-09-036. A00-11-011, A00-11-012, A00-11-020 - Related matters. This decision awards Greenlining Institute and Latino Issues Forum \$74,563.72 in compensation for its contribution to D01-05-033 and D01-06-010. This proceeding is closed.

(Comr Wood - ALJ DeBerry)

Outcome Signed

[D03-02-023](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-34
1745****I98-12-012 - Order Instituting Investigation on the Commission's own motion into the rates, charges, and practices of water and sewer utilities providing service to mobilehome parks and multiple unit residential complexes and the circumstances under which those rates and charges can be passed to the end user.**

This decision grants Golden State Mobile Home Owners League \$29,731.57 in compensation for its contribution to D01-05-058. This proceeding is closed.

(Comr Lynch - ALJ Evans)

Outcome Signed

[D03-02-024](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-35
1746****I02-02-005 - Investigation on the Commission's own motion into the operations, practices, and conduct of Starving Students, Inc., and Ethan Margalith.**

This decision extends the 12-month deadline for resolving this adjudicatory proceeding in order to permit issuance of the Presiding Officer's Decision and any appeal or request for review.

(Comr Brown - ALJ Grau)

Outcome Signed

D03-02-025

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-36
1648****P02-07-051 - Californians for Renewable Energy, Inc. (CARE).**

This decision denies the Petition of CARE for an order instituting rulemaking to adopt, amend or repeal regulations pursuant to Public Utilities Code Section 1708.5. Petition 02-07-051 is closed.

(Comr Peevey - ALJ Ryerson)

Outcome Signed

[D03-02-026](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda**Utility and Transportation Orders**
Orders Held Over**H-1 A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**

93 GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).

(Comr Kennedy - ALJ Kotz)

(Agenda 3080, Item CA-24 1/23/2002; Agenda 3081, Item CA-19 2/7/2002; Agenda 3090, Item H-2 6/27/2002; Agenda 3091, Item H-3 7/17/2002; Agenda 3093, Item H-2 8/22/2002 (Duque); Agenda 3094, Item CA-3 9/5/2002 (Wood); Agenda 3098, Item H-1 10/24/2002 (Wood); Agenda 3102, Item H-2 12/5/2002 (Lynch); Agenda 3103, Item H-1 12/17/2002 (Brown); Agenda 3105, Item H-1 1/16/2003 (Staff))

Outcome Held (2/27/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

H-1a ALTERNATE TO ITEM 93

1461 This alternate decision grants intervenor compensation awards to TURN, Public Advocates and Greenlining/Latino Issues Forum for their participation in A98-12-005 in the amount of \$146,113.66, \$268,108.93 and \$279,740.33 respectively. If approved this decision will replace D01-09-045 in its entirety.

(Comr Wood)

(Agenda 3102, Item H-2a 12/5/2002 (Lynch); Agenda 3103, Item H-1a 12/17/2002 (Brown); Agenda 3105, Item H-1a 1/16/2003 (Staff))

Outcome Held (2/27/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2
1159 R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.**

This decision rejects free inspections for projects undertaken by third-party contractors at ratepayer expense; and rejects proposed accounting changes for line extension costs. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

(Agenda 3099, Item 2 11/7/2002 (Duque); Agenda 3101, Item H-7 11/21/2002 (Wood);

Agenda 3103, Item H-8 12/17/2002 (Wood); Agenda 3106, Item H-2 1/30/2003

(Kennedy))

Outcome Held (2/27/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2a
1662 ALTERNATE TO ITEM 1159**

This alternate order differs from the proposed decision in that it adopts the TURN/UCAN proposals related to the accounting of costs for applicant-installed line extensions and the eligibility of utility inspections for line extension credits.

(Comr Wood)

(Agenda 3106, Item H-2a 1/30/2003 (Kennedy))

Outcome Held (2/27/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3
1196 A01-03-008 - Pacific Gas and Electric Company (PG&E).**

This decision denies the Application of PG&E for approval of an irrevocable lease for Metromedia Fiber Network Services, Inc. (MFNS) to use and install fiber optic cable on PG&E's facilities. The Commission finds that PG&E has failed to meet its burden of establishing that the approval it seeks will not cause environmental impacts that require analysis under California Environmental Quality Act. Moreover, PG&E's application is part of a piecemeal approach MFNS has taken to acquiring approval and environmental review of its San Francisco Bay Area fiber optic project. Finally, PG&E has failed to identify with specificity the facilities affected. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

(Agenda 3099, Item 3 11/7/2002 (Staff); Agenda 3101, Item H-9 11/21/2002 (Staff);

Agenda 3102, Item H-9 12/5/2002 (Staff); Agenda 3103, Item H-9 12/17/2002 (Staff);

Agenda 3105, Item H-3 1/16/2003 (Staff))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4
1335****A01-09-003 - Pacific Gas and Electric Company (PG&E).**

Application in the 2001 Annual Transition Cost Proceeding for the record period July 1, 2000 through June 30, 2001. A01-09-005 - Related matters. PG&E's costs found reasonable for its electric supply administration and employee related transition costs; found reasonable for market valuation of its hydro facilities, but the amount is not transferred to the Transition Cost Balancing Account – it is placed in a suspense account; found unreasonable for its shareholder savings incentive. San Diego Gas & Electric Company's costs found reasonable.

(Comr Brown - ALJ Barnett)

(Agenda 3105, Item 5 1/16/2003 (Lynch))

Outcome Signed

D03-02-028

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-5
1361****I _____ - Order Instituting Investigation on the Commission's own motion to review the compliance of San Diego Gas & Electric Company and Southern California Gas Company with the Commission's Affiliate Transaction Rules.**

This investigation will review the activities of Sempra Energy and its subsidiaries and affiliates in regards to their relationship and interactions with the regulated utilities San Diego Gas & Electric Company and Southern California Gas Company to evaluate the utilities' compliance with the Commission's affiliate rules and holding company decisions.

(Comr Lynch)

(Agenda 3101, Item 3 11/21/2002 (Lynch); Agenda 3103, Item H-15 12/17/2002

(Lynch); Agenda 3105, Item H-6 1/16/2003 (Brown); Agenda 3106, Item H-6 1/30/2003

(Peevey))

Outcome Held (2/27/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- H-6
1479** **A01-09-040 - Clear World Communications Corporation (Clear World).**
This decision denies the application of Clear World for a certificate of public convenience and necessity (CPCN) to resell local exchange telecommunications services because it is not fit to provide such services. In addition, this decision prohibits Christopher Mancuso from any involvement with any utility subject to the Commission's jurisdiction, including Clear World.
(Comr Peevey - ALJ O'Donnell)
(Agenda 3105, Item 4 1/16/2003 (Staff); Agenda 3106, Item H-10 1/30/2003 (Lynch))
Outcome Held (2/27/03. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-6a
1747** **ALTERNATE TO ITEM 1479**
This alternate orders Clear World to show cause why it should not be fined for slamming, and have its Certificate of Public Convenience & Necessity to resell interexchange services revoked.
(Comr Lynch)
Outcome Held (2/27/03. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-7
1481** **A02-06-019 - Pacific Gas and Electric Company (PG&E).**
PG&E requests authority to increase its base revenue by \$96 million to be effective as of April 22, 2002, for electric and gas distribution, customer services, and Humboldt Nuclear SAFSTOR activities to reflect an attrition revenue adjustment for the year 2002. Held: Request denied. It is too speculative to grant an attrition in 2002 based on recorded operations of 1996 and 1997. This proceeding is closed.
(Comr Peevey - ALJ Barnett)
(Agenda 3105, Item 2 1/16/2003 (Brown))
Outcome Held (2/27/03. For alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

**H-8
1500**

A02-03-059 - Pacific Bell Telephone Company (Pacific).

This decision approves the arbitrated interconnection agreement filed by Pacific and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of that Act. This proceeding is closed.

(Comr Wood - ALJ Ryerson)

(Agenda 3103, Item 11 12/17/2002 (Brown); Agenda 3105, Item H-8 1/16/2003 (Brown))

Outcome Held (2/27/03. Time for comments.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-9
1574**

R02-01-025 - Order Instituting Rulemaking to Implement 2-1-1 Dialing in California.

This decision establishes regulatory policies and procedures necessary to implement 2-1-1 dialing to provide easy access to information about community service organizations in California.

(Comr Kennedy - ALJ Sullivan)

(Agenda 3106, Item 1 1/30/2003 (Staff))

Outcome Signed

[D03-02-029](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-10
1589**

A02-04-022 - California-American Water Company (CalAm).

CalAm is authorized a \$2,642,100 (10.36%) general rate increase in its Monterey Division for test year 2003, \$948,410 (3.37%) for test year 2004, and \$714,320 (2.46%) for attrition year 2005.

This proceeding is closed.

(Comr Peevey - ALJ McVicar)

(Agenda 3106, Item 2 1/30/2003 (Lynch))

Outcome Signed (Comr. Lynch will file a concurrence.)

D03-02-030

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-10a
1749****ALTERNATE TO ITEM 1589**

The ratemaking treatment of expenditures associated with the Carmel River Dam project is reserved for A.97-03-052, the proceeding that is directly addressing that project and potential changes to it.
(Comr Lynch)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

**H-11
1619****A00-11-038 - Southern California Edison Company.**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. Consideration of issues raised by DWR in its submissions on December 27, 2002.

(Comr Brown, Comr Lynch - ALJ Allen)

(Agenda 3105, Item 10 1/16/2003 (Brown); Agenda 3106, Item H-14 1/30/2003 (Staff))

Outcome Signed (Comr. Lynch will file a dissent.)

D03-02-031

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-12
1623****R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**

This decision addresses the Motions filed by San Diego Gas & Electric Company and Pacific Gas and Electric Company on December 19, 2002 and December 20, 2002, respectively, requesting consideration and approval of Operating Agreements with the Department of Water Resources.

(Comr Lynch - ALJ Halligan)

(Agenda 3105, Item 11 1/16/2003 (Staff); Agenda 3106, Item H-15 1/30/2003 (Staff))

Outcome Held (3/13/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Orders

- 1**
1601 **A02-09-040 - Fruitridge Vista Water Company (FVWC).**
This decision denies FVWC's Petition for Modification of Resolution W-4252. This proceeding is closed.
Outcome Held (2/27/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 2**
1628 **A00-11-038 - Southern California Edison Company.**
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision resolves issues regarding the collection and remittance of franchise fees in connection with electric power sales of the California Department of Water Resources pursuant to Assembly Bill 1 of the First Extraordinary Session (Stats. 2001, Ch.4), pursuant to D02-02-052.
(Comr Brown, Comr Lynch - ALJ Pulsifer)
Outcome Signed
D03-02-032
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 3**
1635 **A02-03-016 - Southern California Edison Company (SCE).**
For approval of fuel hedging cost recovery. This decision finds that SCE's \$208.8 million balance in its Risk Management Memorandum Account (RMMA) is reasonable and qualifies as recoverable costs. A procedure is established to close its RMMA. This proceeding is closed.
(Comr Wood - ALJ Galvin)
Outcome Signed
[D03-02-033](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**4
1650**

**I00-11-001 - Order Instituting Investigation Into Implementation of Assembly Bill 970
Regarding the Identification of Electric Transmission and Distribution Constraints, Actions
to Resolve Those Constraints, and Related Matters Affecting the Reliability of Electric
Supply.**

This decision concludes that the construction of the Miguel-Mission and Imperial Valley Projects will be economic to San Diego Gas & Electric Company's (SDG&E) ratepayers if a threshold amount of new generation develops in the California-Mexico border region and if project costs do not exceed the preliminary estimates presented in this proceeding. The Commission conditions its finding of economic need in two ways. First, it requires SDG&E to coordinate construction of the transmission upgrades with the construction of a threshold level of new generation in the border area. This will be accomplished through a schedule of milestone conditions discussed in this decision. Second, it caps project costs based on the estimates presented in this proceeding, subject to reasonableness review. With regard to licensing, the Commission finds that the Imperial Valley Project does not require the issuance of a Permit to Construct or a Certificate of Public Convenience and Necessity (CPCN) under the requirements of General Order 131-D. However, it directs SDG&E to file an informational advice letter on this project that documents the characteristics of this project that qualify it for exemption from General Order 131-D. The Commission concludes that the CPCN process does apply to the Miguel-Mission Project because this project would increase the existing 138/69 kV transmission line to 230 kV capacity. However, the Commission expedites the licensing process by permitting SDG&E to file its CPCN application under Section IX of General Order 131-D absent the information required by subparts (c), (d) and (f). The milestone conditions set forth the schedule for SDG&E's filings for these projects.

(Comr Lynch - ALJ Gottstein)

Outcome Held (2/27/03.

)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

5
1638

R99-10-025 - Order Instituting Rulemaking into Distributed Generation.

This decision completes the Commission's rulemaking and establishes policies for ownership and operation of distributed generation and their integration into utility planning and operation of the distribution grid. This decision finds that there is no need to place restrictions on ownership of distributed generation units. The technology of electricity distribution, however, necessitates that a distributed generation owner will only be eligible for compensation for deferring distribution system upgrades in limited circumstances, described herein, and only if the distributed generator offers physical assurance. Similarly, since almost every retail sale will utilize both the distribution and transmission networks (even those that appear to stay within a single circuit), the Commission does not adopt a distribution-only tariff.

(Comr Lynch - ALJ Cooke, ALJ Sullivan)

Outcome Held (2/27/03. For possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

6
1676

A02-09-007 - Southern California Edison Company (SCE).

This decision authorizes SCE to lease available land under Public Utilities Code Section 851. The lease is sought to permit RHC Communities, LLC to construct and operate a self-storage and vehicle and boat storage facility. The SCE property consists of a 5-acre site located on a portion of SCE's Barre-Villa Park and Lewis-Serrano transmission right of way in the City of Orange (Site). The Site is part of the Barre-Villa Park and Lewis-Serrano 220 kilovolt system. This proceeding is closed.

(Comr Peevey - ALJ Bemesderfer)

Outcome Held (3/13/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

7
1748

R01-10-024 - Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanism For Generation Procurement and Renewable Resource Development.

This decision addresses Pacific Gas and Electric Company's January 29, 2003 Emergency Motion for Suspension of Standard of Conduct No. 7 in D02-10-062 for April 1 – September 30, 2003.

(Comr Lynch - ALJ Walwyn)

Outcome Signed as Modified (Change p. 5, Ordering paragraph 2.)

[D03-02-034](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**8
1627**

R01-08-028 - Order Instituting Rulemaking to Examine the Commission's Future Energy Efficiency Policies, Administration and Programs.

Pursuant to Pub. Util. Code § 1708, this decision corrects minor errors in previous decisions issued in this proceeding and considers Southern California Edison Company's Petition to Modify D03-01-038. (Comr Lynch - ALJ Thomas)

Outcome Signed

D03-02-027

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res G-3338 - Southern California Gas Company (SoCalGas).****1368**

This resolution approves the request of SoCalGas to deviate from its Tariff Schedule No. GT-I, Interruptible Intrastate Transmission Service; and Rule No. 2, Description of Service. Approval of these deviations will allow SoCalGas to provide Praxair-Ontario high pressure transmission service while maintaining Praxair's classification as a distribution-level customer. (Advice Letter 3136, filed March 22, 2002.)

(Agenda 3103, Item E-6 12/17/2002 (Peevey); Agenda 3105, Item E-2 1/16/2003 (Wood); Agenda 3106, Item E-1 1/30/2003 (Staff))

Outcome Held (2/27/03. Further consideration of comments.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-1a ALTERNATE TO ITEM 1368**1664**

This resolution finds that Southern California Gas Company's (SoCalGas) request to deviate from Rule No. 2, Description of Service is moot and denies SoCalGas' request to deviate from its Tariff Schedule No. GT-I. Denying these deviations will allow Praxair-Ontario to take high pressure transmission service at transmission-level rates.

(Comr Wood)

(Agenda 3106, Item E-1a 1/30/2003 (Staff))

Outcome Held (2/27/03. Further consideration of comments.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-2 Res E-3810 - Southern California Edison Company (SCE).**1737**

This resolution approves of a compliance submission of transitional procurement contracts pursuant to Commission Resolution E-3802 issued in response to SCE Advice Letter 1660-E.

Outcome Approved

Yes: (Brown, Kennedy, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

**E-3
1750****Res E-3814 - Southern California Edison Company (SCE).**

SCE for Commission approval of one power purchase agreement contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. (Advice Letter 1680-E, filed January 14, 2003)

Outcome Held (2/27/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-4
1751****Res E-3815 - Pacific Gas and Electric Company (PG&E).**

PG&E re-submits for Commission review and final approval, through the accelerated advice letter process outlined in D02-08-071, Appendix B, a contract for the procurement of capacity and energy during the period March 2003 through September 2003, which has been modified to: (1) reduce the term of the contract; (2) allow PG&E to execute without California Department of Water Resources' credit support; and (3) update pricing and exchange ratio terms. (Advice Letter 2343-E, filed January 31, 2003)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunications Matters**C-1 Res T-16701**

1338 This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-A Administrative Committee Fund adopted in Resolution T-16550.

(Agenda 3102, Item C-4 12/5/2002 (Staff); Agenda 3103, Item C-4 12/17/2002 (Staff); Agenda 3105, Item C-2 1/16/2003 (Staff); Agenda 3106, Item C-2 1/30/2003 (Staff))

Outcome Held (2/27/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

C-2 Res T-16720 - Evans Telephone Company (Evans).

1535 This resolution authorizes total intrastate revenue in the amount of \$8,619,826 for Evans for the test year 2003. This represents a reduction of \$3,611,119 to Evans' estimate of \$11,683,454 for total intrastate revenue for 2003. The Total Intrastate Rate Base amount for Evans is \$5,205,147 with an overall Intrastate Rate of Return of 10.00% for the test year 2003. Evans had requested a Total Intrastate Rate Base amount of \$12,756,407 for an authorized Overall Intrastate Rate of Return of 10.00%. Also authorized by this resolution is California High Cost Fund-A (CHCF-A) support for Evans for test year 2003 of \$16,199. Evans had requested CHCF-A support for 2003 of \$3,627,318. (Advice Letter 326, filed December 19, 2001)

(Agenda 3105, Item C-6 1/16/2003 (Staff); Agenda 3106, Item C-3 1/30/2003 (Staff))

Outcome Held (3/13/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports

CR-1 **Commissioners' Reports.**
1604 Miscellaneous Commissioners' reports.
 Outcome Information Only
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

CR-2 **President Lynch Report**
1309 Institution of investigation regarding the Commission's enforcement regarding misuse of state government property through use of inappropriate material and comparing the Commission's enforcement and standards to those of the Department of Justice and the Office of the Governor. (Agenda 3099, Item CR-2 11/7/2002 (Staff); Agenda 3101, Item CR-2 11/21/2002 (Staff); Agenda 3102, Item CR-2 12/5/2002 (Staff); Agenda 3103, Item CR-2 12/17/2002 (Staff); Agenda 3105, Item CR-2 1/16/2003 (Lynch))
 Outcome Held (2/27/03. Further consideration.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

Management Reports and Resolutions

M-1 **Management Reports.**
1605 Miscellaneous Management reports.
 Outcome Withdrawn
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items**Orders Held Over****HEX-1****A00-11-038 - Conference with Legal Counsel - Application for Rehearing.****1347**

A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-06-070, as modified by D02-07-007, filed by Southern California Edison Company and Pacific Gas and Electric Company.

(Agenda 3101, Item EX-5 11/21/2002 (Wood); Agenda 3103, Item HEX-2 12/17/2002 (Wood); Agenda 3105, Item HEX-1 1/16/2003 (Lynch))

Outcome Held (2/27/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**HEX-2
1655****A98-07-003 - Conference with Legal Counsel - Application for Rehearing.**

Disposition of Application for Rehearing of D02-07-032, filed by Federal Executive Agencies, The Utility Reform Network, Alliance for Retail Energy Markets, Kroger Co., Los Angeles Unified School District, Sempra Energy Solutions, University of California, California State University, and Western Power Trading Forum, and the Newark Group. D02-07-032 approves the proposal of Southern California Edison Company (Edison) to establish a historical procurement charge (HPC), and to adjust the credit that direct access customers received. The adjustment was approved to make equivalent contributions made by direct access and bundled service customers to the recovery of Edison's past procurement cost undercollections as measured by the starting balance in Edison's Procurement Related Obligation Account (PROACT). The HPC was established for use in determining the direct access credit, based on the starting PROACT balance.

(Agenda 3106, Item EX-7 1/30/2003 (Staff))

Outcome Signed as Modified (Change on pgs. 5 & 23. Comr. Lynch reserves the right to file a dissent.

Comr. Wood reserves the right to file a dissent.)

D03-02-035

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

Orders**EX-5
1690****R01-09-001 - Conference with Legal Counsel – Application for Rehearing**

I01-09-002 - Related matters. Disposition of Application for Rehearing of D02-10-020 filed by Verizon California Incorporated. D02-10-020 is the decision in Phase I of this proceeding. Among other things, it modifies and adopts the Joint Exhibit submitted by the parties that resolves most of the issues and requires all excessive directory earnings to be imputed for the purpose of determining Verizon's intrastate rates of return and sharable earnings during the period of 1996 through 1998. The decision further requires Verizon to file revised financial monitoring reports for every year beginning with 1996, which reflect all excessive directory earnings attributable to Verizon's California intrastate operations, until further notice from the Commission.

Outcome Held (2/27/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**EX-6
1731****A00-11-038 - Conference with Legal Counsel – Application for Rehearing**

A00-11-056, A00-10-028 - Related matters. Disposition of Applications for Rehearing of D02-12-082 filed by The Utility Reform Network. D02-12-082 granted an application for rehearing of D02-11-074 and imposed the bond charge (to recover bond-related costs incurred by the Department of Water Resources) on residential sales up to 130% of baseline in the service territories of San Diego Gas & Electric Company, Pacific Gas and Electric Company, and Southern California Edison Company.

Outcome Signed (Comr. Lynch will file a dissent.**Comr. Wood will join Comr. Lynch's dissent.)**

D03-02-036

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**EX-7
1733****A00-11-038 - Conference with Legal Counsel – Application for Rehearing**

A00-11-056; A00-10-028 - Related matters. Disposition of the applications for rehearing of D02-11-026 filed by The Utility Reform Network, and the California Manufacturer and Technology Association. D02-11-026 modifies the restriction that the Commission had placed on the use of the revenue from the surcharges the Commission authorized for Pacific Gas and Electric Company and Southern California Edison Company in D01-01-018 and D01-03-082.

Outcome Held (2/27/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**EX-8
1734****C01-06-009 - Conference with Legal Counsel – Application for Rehearing**

Disposition of application for rehearing of D02-09-046, filed by BH Properties, LLC (BH Properties) against Suburban Water Systems (Suburban). The Commission determined that Suburban has correctly applied Schedule SJ-1 of its tariff in providing service to BH Properties and directed Suburban to resubmit for consideration in pending A02-05-033 a proposed tariff addressing concerns raised in the present proceeding.

Outcome Signed

D03-02-037

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)